IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 21187 of 2004

Between:

State of Andhra Pradesh

rep., by its Commercial Tax Officer, No.II,

Tirupathi, Chittoor District. **..... PETITIONER**

AND

M/s.Bhagya Agro Oils (P) Ltd.,

Narasingapuram, Chandragiri Mandal,
Chittoor District (In Liquidation)

rep., by Official Liquidator, High Court of A.P.,
Kendriya Sadan, Koti, Hyderabad. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Official Liquidator in not disposing the claim petition and releasing the amount due to the petitioner is illegal, arbitrary and without jurisdiction and contrary to section 16(C) of the APGST Act and consequently declare that the Sales Tax will have the first charge over the properties of the defaulting dealer in the light of section 16(C) of the APGST Act and section 17 of the CST Act and further direct the Official Liquidator to remit the Sales Tax arrears of the respondent company to the petitioner from the sale proceeds of the properties of the

respondent company forthwith.

Counsel for the Petitioner: MR.A.V.KRISHNA KAUNDINYA (SPL.SC FOR CT)

Counsel for the Respondent: Official Liquidator.

The Court made the following :

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ORDER:

It is brought to our notice by the learned Counsel that similar matters have been disposed of by this Court directing the Official Liquidator to dispose of the claim petition of the petitioner within four weeks from the date of receipt of a copy of the order. We do not find any reason to take a different view other than the one taken by this Court while disposing of the writ petitions.

In the circumstances, this writ petition is disposed of directing the respondent-official liquidator to dispose of the claim petition of the petitioner within four weeks from the date of receipt of a copy of the order. There shall be an order accordingly. No costs.

B. SUDERSHAN REDDY, J

22-11-2004

T.CH.SURYA RAO, J

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LUR/MSV

Copy to:

1. Official Liquidator, High Court of A.P.,
Kendriya Sadan, Koti, Hyderabad.

2. Two CD copies.